

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF PENNSYLVANIA

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| HOZAY ROYAL, | : | |
| | : | |
| Petitioner, | : | |
| | : | |
| v. | : | No. 2:20-cv-02658 |
| | : | |
| THE DISTRICT ATTORNEY OF | : | |
| MOTGOMERY COUNTY; and THE | : | |
| COMMONWEALTH OF | : | |
| PENNSYLVANIA, | : | |
| Respondents. | : | |

ORDER

AND NOW, this 28th day of September, 2021, upon consideration of the Petition for Writ of Habeas Corpus, ECF No. 1; the Response in Opposition thereto, ECF No. 32; Petitioner’s Reply in support of his Petition, ECF No. 33; the Report and Recommendation issued by Magistrate Judge Henry S. Perkin on August 26, 2021, ECF No. 35; and in the absence of objections,¹ **IT IS ORDERED THAT:**

1. The Report and Recommendation, ECF No. 35, is **ADOPTED**.

¹ When neither party objects to a magistrate judge’s report and recommendation, the district court is not statutorily required to review the report, under de novo or any other standard. 28 U.S.C. § 636(b)(1)(C); *Thomas v. Arn*, 474 U.S. 140, 152 (1985). Nevertheless, the United States Court of Appeals for the Third Circuit has held that it is better practice to afford some level of review to dispositive legal issues raised by the report. *Henderson v. Carlson*, 812 F.2d 874, 878 (3d Cir. 1987), *writ denied* 484 U.S. 837 (1987). “When no objections are filed, the district court need only review the record for plain error or manifest injustice.” *Harper v. Sullivan*, No. 89-4272, 1991 U.S. Dist. LEXIS 2168, at *2 n.3 (E.D. Pa. Feb. 22, 1991); *see also Hill v. Barnacle*, No. 15-3815, 2016 U.S. App. LEXIS 12370, at *16-17 (3d Cir. 2016) (holding that even when objections are filed, district courts “are not required to make any separate findings or conclusions when reviewing a Magistrate Judge’s recommendation de novo under 28 U.S.C. § 636(b)”); *Oldrati v. Apfel*, 33 F. Supp. 2d 397, 399 (E.D. Pa. 1998) (explaining that in the absence of a timely objection, the court should review the magistrate judge’s report and recommendation for clear error). The district court may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge. 28 U.S.C. § 636(b)(1)(C).

2. The Petition for Writ of Habeas Corpus, ECF No. 1, is **DISMISSED** as unexhausted.
3. There is no basis for the issuance of a certificate of appealability.
4. The case is **CLOSED**.

BY THE COURT:

/s/ Joseph F. Leeson, Jr.

JOSEPH F. LEESON, JR.

United States District Judge